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Docket No.: 122.1407

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

In re the Application of:

Shuji NAKAMURA et al.

Serial No. 09/559,261

Group Art Unit: 2674

Confirmation No. 2241

Filed: April 27, 2000

Examiner: Alexander Eisen

For: POINTING DEVICE

DEC 15 2003

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT****RECEIVED**

DEC 04 2003

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Technology Center 2600

Sir:

In the above-referenced application a Notice of Abandonment, copy attached, was mailed November 3, 2003. The Notice indicates that reason for abandonment is that no Response was filed to a December 18, 2003 Office Action.

In accordance with MPEP §711.03(c), and 1156 O.G. 53, November 16, 1993, the undersigned states that the December 18, 2002 Office Action was not received and attests that a search of the file jacket and the docket records indicates that the Office Action was not received.

A copy of the docket records where the non-received Office Action would have been entered, and thereby docketed for response, is attached hereto.

In view of the foregoing, Applicants respectfully petition the Group Director to withdraw the holding of abandonment, re-mail the Office Action of December 18, 2002 and set a new three-month statutory period for response.

If any further fees are required in connection with the filing of this Petition, kindly charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/5/07

By:

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WFH  
  
UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Revive Appln: 12-3-03

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,261	04/27/2000	Shuji Nakamura	122.1407 ✓	2241

21171 7590 11/03/2003

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WASHINGTON, DC 20005

EXAMINER

EISEN, ALEXANDER

ART UNIT

PAPER NUMBER

2674

10

DATE MAILED: 11/03/2003

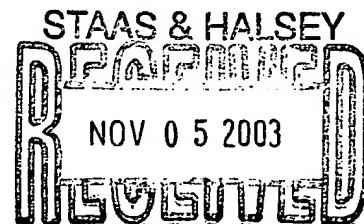
O I P E  
DEC 03 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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DEC 03 2003

Notice of Abandonment

Application No.	Applicant(s)
09/559,261	NAKAMURA ET AL.
Examiner	Art Unit
Alexander Eisen	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 18 December 2002.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

*[Handwritten Signature]*  
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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.